

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

701-0005

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", Union Pacific Railroad Company, hereinafter referred to as the "Company", the Township of Marengo, McHenry County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through written correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's tracks with a public highway known as County Line Road located near Garden Prairie in Marengo Township, McHenry County, Illinois, designated as crossing AAR/DOT 174 577R, milepost 71.14B; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by representatives from the Commission and Company; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing has been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

BOOKETED

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvements which it may be required to perform, said estimate is attached as Exhibit B, and shall upon Order according to the requirements contained therein prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, and for the completion of the proposed improvements should be twelve (12) months from the date of Commission Order subsequent to this agreement. The time schedule for the submission of the progress report for the Company is contained in Section 6 herein.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for the warning device and circuitry installation, estimated to be \$137,907, should be divided 85% in an amount not to exceed \$117,221 to the Grade Crossing Protection Fund, 10% in an amount not to exceed \$13,790 to the Township, with all remaining installation cost being borne by the Company.
- b) all cost of future maintenance and operation of the warning devices should be borne by the Company.

Section 6 Special Provisions. All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Mr. Hank Cronister, Bureau of Local Roads and Streets, Main Office of the Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, IL 62764. The Department shall submit a copy to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from the Company shall be clearly marked "Final Bill". All bills shall be submitted to the Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall file a written report within ninety (90) days from the date of Commission Order subsequent to this agreement, with the Director of Processing and Information, of the Commission's Transportation Division, listing the name, title, mailing

address, phone number and facsimile number of the Company's employee responsible for management of this project.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures and percentage of completion of the warning device and circuitry installation, if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

Section 7 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days, accepting or rejecting such stipulation according to the provisions contained herein.

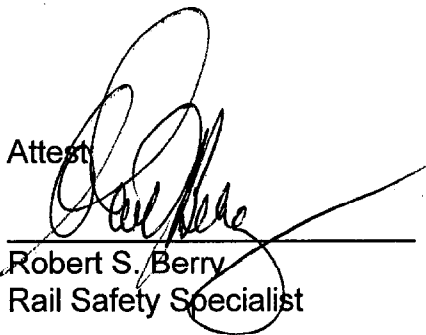
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 7th day of December, 2000.



Michael E. Stead
Rail Safety Program Administrator

Attest



Robert S. Berry
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 884 concerning improvements at the crossing of the track of the Union Pacific Railroad Company with public highways known as County Line Road located near Garden Prairie, McHenry County, Illinois, designated as crossing AAR/DOT 174 577R, milepost 71.14B.

Executed by the Company this 8 day of Jan, 2000.

UNION PACIFIC RAILROAD COMPANY

By: Thomas J. Ogee

Attest:

Kathy Klockner

Illinois Commerce Commission Stipulated Agreement No. 884 concerning improvements at the crossing of the track of the Union Pacific Railroad Company with public highways known as County Line Road located near Garden Prairie, McHenry County, Illinois, designated as crossing AAR/DOT 174 577R, milepost 71.14B.

Executed by the Department this 9th day of January, ~~2000~~²⁰⁰¹.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Slifer
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 884 concerning improvements at the crossing of the track of the Union Pacific Railroad Company with public highways known as County Line Road located near Garden Prairie, McHenry County, Illinois, designated as crossing AAR/DOT 174 577R, milepost 71.14B.

Executed by the Township of Marengo this 15th day of January,
2000. 2001.

THE TOWNSHIP OF MARENGO

Road District

By: Frank Appenzeller

Attest:

Cynthia L. Wilson, Clerk

RECEIVED
JAN 19 2001

Illinois Commerce Commission
RAIL SAFETY SECTION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line Union Pacific Milepost 71.14B Inventory # 174 577R

City Near Garden Prairie Street County Line Road County McHenry

Jurisdiction Marengo Township Urban Rural X Commercial Residential X

Street Surface Bituminous Width 19' Condition Good

Angle 90° Tracks Tangent Yes Degree of Curve Superelevation

Depth of Cut Height of Fill 2'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT*</u>	<u>24'</u>	<u>Good</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

* full depth timber crossing surface

Intersecting Roads 100' None 200' None

Traffic Control Devices Present None

ADT 175 Speed 55mph (unposted) Statewide Yes

Schoolbuses Hazardous Materials Farm materials Other

Rail Traffic: Ft. 5 @ 49 mph Pass. @ mph Switch No

Simultaneous Movements No Daylight and Dark Yes

Present Protection Crossbuck signs

Advance Warning Signs Yes Pavement Marking No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	*		**	
NW	*		**	
SE	*		500' @ 572'	Trees
SW	*		50' @ 572'	Trees

* meets minimum distance base upon max. train speed.

Approach Grades

North	*	'	%		'	%		'	%
South	*	'	%		'	%		'	%

* meets the requirements of 92 Ill. Adm. Code 1535.204.

Comments: This crossing meets the minimum warrants for the installation of automatic flashing light signals and gates in that there is restricted stopping sight distance in the southeast and southwest crossing quadrants.

DATE: 2000-11-14

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK
BY THE
UNION PACIFIC RAILROAD

DESCRIPTION OF WORK:

INSTALL GRADE CROSSING WARNING DEVICES WITH GATES AND FLASHING LIGHTS AT
CO LINE RD IN GARDEN PRAIRIE IL. MP. 71.14 ON THE BELVIDERE SUB.

SIGNAL PROJECT MANAGER: R.L. JAMES 8-245-2831

RAILROAD TO PERFORM ALL WORK / COST DISTRIBUTED AS FOLLOWS:

SIGNAL - CITY OF GARDEN PRAIRIE & STATE OF ILLINOIS 95% / UPRR 5%

PID: 37429	AWO: 00116	MP, SUBDIV: 71.14, BELVIDERE
SERVICE UNIT: 02	CITY: GARDEN PRAIRIE	STATE: IL

DESCRIPTION	QTY	UNIT	LABOR	MATERIAL	RECOLL	UPRR	TOTAL
-----	---	----	-----	-----	-----	-----	-----
ENGINEERING WORK							
ENGINEERING			1132		1075	57	1132
LABOR ADDITIVE			5816		5525	291	5816
RECOLL-INSPE			2237		2125	112	2237
SIG-HWY XNG			1478		1404	74	1478
			-----	-----	-----	-----	-----
TOTAL ENGINEERING			10663		10129	534	10663
SIGNAL WORK							
BILL PREP			900		855	45	900
CONTRACT				5455	5182	273	5455
DIRT				1000	950	50	1000
EQUIPMENT RENTAL				2500	2375	125	2500
FOREIGN LINE FREIGHT				1091	1036	55	1091
LABOR ADDITIVE			22261		21148	1113	22261
MATL STORE EXPENSE				2728	2591	137	2728
PERSONAL EXPENSES				9500	9025	475	9500
SALES TAX				3400	3230	170	3400
SIGNAL			17651	54558	68598	3611	72209
TRANSPORTATION CHARGES				3000	2850	150	3000
USAGE EQUIPMENT				3200	3040	160	3200
			-----	-----	-----	-----	-----
TOTAL SIGNAL			40812	86432	120880	6364	127244
LABOR/MATERIAL EXPENSE							
			51475	86432	-----	-----	-----
RECOLLECTIBLE/UPRR EXPENSE						131009	6898
ESTIMATED PROJECT COST							137907
EXISTING REUSEABLE MATERIAL CREDIT						0	
SALVAGE NONUSEABLE MATERIAL CREDIT						0	

RECOLLECTIBLE LESS CREDITS							

THE ABOVE FIGURES ARE ESTIMATES ONLY AND SUBJECT TO FLUCTUATION. IN THE EVENT OF AN INCREASE OR DECREASE IN THE COST OR QUANTITY OF MATERIAL OR LABOR REQUIRED, UPRR WILL BILL FOR ACTUAL CONSTRUCTION COSTS AT THE CURRENT EFFECTIVE RATE.

WORK ORDER AUTHORIZATION DETAIL OF ESTIMATED EXPENDITURES

START: 01-01-01
EST COMP: 12-31-01

PROJ NO: 37429
A.W.O. NO: 00116
W.O. NO:
B.I. NO: 00EN10
STATE: IL
VAL SEC: 1104

RAILROAD: UPRR CO.
LOCATION: GARDEN PRAIRIE IL COUNTY LINE RD BELVI
DEPARTMENT: ENGINEERING SERVICES

STOCK MATERIAL PLAN

ITEM NUMBER	ITEM DESCRIPTION	UNIT COST	QTY	UM	DIRECT MATL \$
02040420	BATTERY,GNB,75A9 OR 50A13	181.23	6	EA	1087
02040660	BATTERY,GNB, 75A23 OR 50A27	319.68	7	EA	2238
09011240	CABLE TIE, NYLON 1 1/8" MAX. DIA	0.06	200	EA	12
09011980	CABLE TIE, NYLON 3 1/2" MAX. DIA	0.22	20	EA	4
09014950	CIRCUIT BREAKER, 120/240V 20A AC	23.22	1	EA	23
09054300	RELAY,TAB 869 KRP11DN12V. SW.HTR.	10.67	1	EA	11
09054360	RELAY, GEN.PURPOSE 120V. TAB 856	10.53	1	EA	11
09057650	SOCKET,P-B 27E122 TAB 836A & 856	2.71	2	EA	5
09065700	TAPE, ELECTRICAL PLASTIC	2.40	2	RL	5
09066900	TERMINAL,SPADE,10-12 WIRE,#8 STUD	0.34	10	EA	3
09137100	TERM.LUG 3/16 CABLE-1/4 POST 2412	0.83	50	EA	42
09215100	33466 TERMINAL, RING TONGUE AMP	0.23	24	EA	6
09260350	TERMINAL,#16-14 #8 SPADE	0.07	10	EA	1
09261570	321527-1 TERMINAL, TEST	1.14	10	EA	11
09401140	ADAPTER, 4 INCH CARLON PLASTIC	2.25	2	EA	5
09409820	BUSHING, 4" PLASTIC,INSULATING	0.75	2	EA	2
09412460	CONDUIT,3/8 INCH FLEX STEEL SEALT	0.44	1	LF	0
09424920	CONDUIT, 4", PVC, TYPE 40	1.35	50	LF	68
09433970	CONNECTOR,3/8 INCH STRAIGHT BOX S	0.93	2	EA	2
09467930	LOCKNUT, 4 INCH, GALVANIZED	4.09	2	EA	8
09615550	LAMP,INCANDESCENT,10V.25W.	5.21	7	EA	36
09844170	GROUND ROD, 5/8 INCH X 8 FEET	6.22	9	EA	56
09846750	GRND.ROD CONN. 4WAY ONESHOT.	4.93	9	EA	44
09908640	WIRE,#6 AWG.1 COND.COPPER,SOLID	0.11	225	LF	25
09912200	WIRE #6 AWG 2 CND 500'ROLL SHIELD	1.24	500	LF	620
09913200	WIRE,#6, 5 COND 500'ROLL SHIELDED	2.05	250	LF	513
09915610	WIRE #6 AWG 1 COND COPPER, STRAN	0.37	150	LF	56
09930550	WIRE #10 AWG 1 COND COPPER, STRAN	0.14	1000	LF	140
09932310	WIRE #10 AWG 1 COND COPPER, TWIST	0.32	170	LF	54
09946100	WIRE #14, 7 CND 500' ROLL SHIELDE	1.07	250	LF	268
09960090	WIRE #16 AWG 1 COND COPPER, STRAN	0.08	250	LF	20
13060230	TOGGLE,SPRING WING 3/8	0.48	3	EA	1
13552450	SHEET METAL SCREW,#12 X 3/4"	2.00	2	BX	4
13553150	SHEET METAL SCREW #12 X 1"	2.96	1	BX	3
17061400	PADLOCK,SIGNAL,WITHOUT KEY,AMERIC	12.02	6	EA	72
28033210	CARTON, 39 1/8"L X 23 1/4"W X 17	3.19	1	EA	3
28033230	CARTON, 47 3/8"L X 39 1/2"W X 18"	5.50	1	EA	6
28041880	PALLET, 48 X 40 INCH 2/WAY	7.97	2	EA	16
35040010	PLASTER OF PARIS, DENTAL GRADE	0.81	25	LB	20
39340220	SIGN, HIGHWAY CROSSING	50.00	2	EA	100
52000920	SURGE PROTECTOR SP19-2A TAB 586	68.53	1	EA	69
52001370	SURGE PROTECTOR SP20-2A TAB 585	70.12	1	EA	70

WORK ORDER AUTHORIZATION DETAIL OF ESTIMATED EXPENDITURES

EST START: 01-01-01
EST COMP: 12-31-01

PROJ NO: 37429
A.W.O. NO: 00116
W.O. NO:
B.I. NO: 00EN10
STATE: IL
VAL SEC: 1104

RAILROAD: UPRR CO.

LOCATION: GARDEN PRAIRIE IL COUNTY LINE RD BELVI

DEPARTMENT: ENGINEERING SERVICES

52005690 BOND WIRE, 7 STRANDS	0.42	200 LF	84
52016830 WIRE DUCT, 2X3	9.00	15 EA	135
52016940 WIRE DUCT, 3X3	10.32	2 EA	21
52017510 WIRE DUCT COVER 2"X6'	2.11	15 EA	32
52017620 WIRE DUCT COVER 3"X6'	2.98	2 EA	6
52019530 ENCLOSURE, SHUNT, POLE MOUNTED. 24X2	245.01	2 EA	490
52019560 EQUALIZER, H.D. TAB 583	9.22	5 EA	46
52021550 FOUNDATION, 4', STEEL, FOR FL SHR/GAT	229.87	2 EA	460
52025240 HOUSE, 6X6, SIGNAL XING	4330.95	1 EA	4331
52027350 CLIP BOARD - FOR SIGNAL PRINTS	6.42	1 EA	6
52027430 STEP BOX	12.64	1 EA	13
52028420 LIGHTNING ARRESTOR, CLR-COMM TAB 3	7.01	8 EA	56
52029780 LIGHTNING ARR, HD TAB 582 W/O BASE	9.91	4 EA	40
52030010 LIGHTNING ARRESTOR, CONN. STRIP	4.15	2 EA	8
52039210 RECTIFIER, 20EC, 12V. TAB 575	344.72	1 EA	345
52039390 RECTIFIER, 40EC, 12V. TAB 577	486.16	1 EA	486
52040400 RESISTOR, ADJ. 0.63 OHM TAB 91	24.86	4 EA	99
52040460 RESISTER, ADJ. 5 OHM, TAB 90	12.76	1 EA	13
52042650 POST, MOUNTING, FOR SHUNT HOUSING	8.91	4 EA	36
52045700 SURGE SUPPRESSOR, PRIMARY, #2377-4	9.37	1 EA	9
52069100 TERMINAL, #6 WIRE - RING TYPE	0.85	10 EA	9
52070010 TERMINAL, #12-10 WIRE, RING TONGUE	0.08	300 EA	24
52071600 TERMINAL, #20-16 WIRE, RING TONGUE	0.06	150 EA	9
52072280 TERMINAL BLOCK, SIGNAL 2 POST BAK	2.25	22 EA	50
52072510 TERMINAL BLOCK, SIGNAL 3 POST TEST	6.29	3 EA	19
52072740 TERMINAL BLOCK, SIGNAL 12 POST 6	8.60	4 EA	34
52074550 TEST LINK, INSULATED ASSEMBLY TAB	0.67	24 EA	16
52079550 WIRE TAG, PLASTIC - WHITE	0.12	100 EA	12
52079560 MARKING PEN (FOR WHITE TAG)	1.94	1 EA	2
52108120 LED FL/GATE ASSY. 2 WAY LIGHTS	7215.99	2 EA	14432
52109370 GATE ARM, ADJ. 16-32'	233.34	2 EA	467
52122140 HIGH WIND BRACKET 5" OR 4"	63.99	2 EA	128
52136470 SHEAR PIN, SK-1000-1	5.50	2 EA	11
52203400 DETECTOR, LIGHT OUT, LOD-1	469.14	1 EA	469
52205800 GCP111 NO ISLAND #81KB-80110-0800	15157.96	1 EA	15158
52240000 IPI MODULE-GCP3000D2 #80211	1078.02	2 EA	2156
52246000 RESISTOR, 47,000 (47K) OHM .5 WATT	0.20	4 EA	1
52258850 NBS, TAB 642, 62775-3497	324.01	2 EA	648
52263600 SURGE ARRESTOR, METER LOOP.	23.89	1 EA	24
52264040 SURGE PANEL - TAB 618	203.97	1 EA	204
52276050 CROSSING ANALYZER, HCA-1	1710.30	1 EA	1710
52726820 RELAY, FLASHER TAB 887	354.37	1 EA	354
52728800 RELAY, BILC. TAB 911 A62-310	298.92	1 EA	299
52745830 RELAY, NEUTRAL, B1 TAB 884 & 884A	235.02	2 EA	470
52752390 RELAY, BLSR. 3 SEC. TAB 893	425.99	1 EA	426
52773760 RELAY BRACKET, HOLDS 14 B1 RELAYS	211.71	1 EA	212
52776370 RELAY PLUGBOARD, GRS B1, TAB 900	33.20	5 EA	166
52777970 FLAG TERMINAL, FOR GRS, 14-10	0.89	100 EA	89

WORK ORDER AUTHORIZATION-DE OF ESTIMATED EXPENDITURES

EST START: 01-01-01

EST COMP: 12-31-01

PROJ NO: 37429

A.W.O. NO: 00116

W.O. NO:

B.I. NO: 00EN10

STATE: IL

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RAILROAD: UPRR CO.

LOCATION: GARDEN PRAIRIE IL COUNTY LINE RD BELVI

DEPARTMENT: ENGINEERING SERVICES

52778110 FLAG TERMINAL, FOR GRS, 20-16	1.01	100 EA	101
52779280 RELAY TEST TERM,GRS B1 TAB7702864	6.90	5 EA	35
52842220 DIODE JEDEC NUMBER 1N4004	0.03	1 EA	0
52959000 POWER TAP MATERIAL	2000.00	1 EA	2000
52969820 CRTU - UNDETERMINED TYPE	1655.00	1 EA	1655
53311490 EXTRACTOR FOR "B"TERMINALS P3-308	9.89	1 EA	10
53311510 TEST NUT WRENCH. GRS #P3-320	16.55	1 EA	17
53648010 INSULATING CAP & SHIELD ASSY.	2.07	10 EA	21
53903460 EPD 120/240TDFL SURGE PROTECTOR	328.18	1 EA	328
53954500 180429-000 BOOTLEG KIT	85.39	4 EA	342
TOTAL			54,564



- NOTES**
- ⊗ - T

⊗ - TWISTED WIRES
INSULATED 1 TWIST PER FT.
ALL TRACK WIRES 2C. '6

TRANSMITTER AND RECEIVER LEADS TO BE SEPARATED BY AT LEAST 12" IN TRENCH. LENGTHS SHOULD NOT EXCEED MANUFACTURER'S RECOMMENDATION.

TOP OF FOUNDATION TO BE AT SAME ELEVATION AS THE SURFACE OF THE TRAVELED WAY & NO MORE THAN 4" ABOVE THE SURFACE OF THE GROUND. ALL BUNDLED WIRING TO BE "IS AND FLEX UNLESS OTHERWISE SPECIFIED EXCEPT ALL GROUND WIRE TO BE "S AND FLEX OR LARGER.

ALL WIRING IN GATE MECHANISM TO BE "NO TANG FLEX".
REFER TO UP STANDARD DWG FOR BUNGELOW ERODING.

DO NOT USE 7 CELLS OF B12 BATTERY UNLESS
REQUIRED TO MAINTAIN MINIMUM LAMP VOLTAGE.

ALL LIGHTS TO BE 12" ROUNDELS.

..... 4" X 30' CONDUIT
LIGHTS: LED LIGHTS

GATE A 17
GATE B 17
CRTU

↑
↓

INEV. 4-4-00 ; 071603

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date January 15, 2001

Agreement # 884

The Marengo Township Road District
(Board or Council of Township, Village, City, County, etc.)

meeting on January 15, 2001, Resolved to authorize Frank Niffenegger,
(Name, Office) Highway Commission

to act as its designated agent in the processing of this Stipulated Agreement and
that the Road District is financially willing and able to
(Township, Village, City, County)

bear the cost for the proposed improvements as may be assigned to it according
to Section 5 of this Agreement.

RECEIVED
JAN 19 2001

Illinois Commerce Commission
RAIL SAFETY SECTION